

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

Article 7. Certification Procedures for Aftermarket Parts for Off-Road Vehicles, Engines, Equipment

§ 2476. Enforcement Action.

(a) When this section is invoked pursuant to other sections of this article, the executive officer may issue a cease and desist order and may require the person to submit a plan for correcting any deficiencies found by the state board. The executive officer may order any of the actions contained in the plan, and/or may declare a part to be not in compliance with VC Sections 27156, 38391 or CCR, Title 13, Section 2472 unless he/she finds the plan adequate to correct the deficiencies found by the state board. The plan may be required to include such corrective actions as the cessation of sale of non-complying parts, the recall of any non-complying parts already sold, and corrective advertising to correct misleading information regarding the emission control capabilities of the device and to ensure compliance with California's laws. The executive officer may also seek fines for violations of VC Sections 27156, 38391 or CCR, Title 13, Section 2472, or other laws or regulations, as applicable.

(b) When this section is invoked by the executive officer on either his/her own initiative or in response to complaints received, an investigation may be made by the executive officer or his/her representative to gather evidence regarding continuing violations of this article by any person engaged in the business of advertising, offering for sale, selling, or installing an add-on or modified part.

(c) Any person against whom enforcement action (other than the filing of an action in court) is initiated pursuant to this section may request a public hearing to review the enforcement action.

(d) Nothing in this article shall prohibit the executive officer from taking any other action provided for by law, including the prosecution of an action in court.

NOTE: Authority cited: Sections 39515, 39516, 39600, 39601, 43013 and 43018, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43000.5, 43013, 43017 and 43018, Health and Safety Code; and Sections 27156, 38391 and 38395, Vehicle Code.

REFERENCE